



CRL MP(MD) No.16598 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Twenty Fifth day of July Two Thousand and Twenty Four
PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA
and

The Hon`ble Mr.Justice K. RAJASEKAR
CRL MP(MD) No.16598 of 2023

in

CRL A(MD) No.1037 of 2023

NAVANEETHAKRISHNAN ... PETITIONER/ APPELLANT/ SOLE ACCUSED

Vs

THE INSPECTOR OF POLICE
THALAIYUTHU POLICE STATION,
TIRUNELVELI DISTRICT.

CR.NO.145/2017

... RESPONDENT/ RESPONDENT/ COMPLAINANT

Criminal Miscellaneous Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Suspend the Execution of Sentence by granting bail in SC.No.780/2017 dt 27.02.2023 and 28.02.2023 on the file of the learned Sessions Judge Mgalir Neethimandrm Tirunelveli Tirunelveli District till the disposal of the criminal appeal.

Prayer in CRL A(MD) No.1037 of 2023 :

To admit this appeal on file, to call for the records from the lower court in SC.No.780/2017 on the file of the Learned Sessions Judge, Magalir Neethimandram, Tirunelveli, Tirunelveli District in SC.No.780/2017 dated 27.02.2023 & 28.02.2023 by acquitting the accused and by allowing the Appeal.

Order : This Criminal Miscellaneous Petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of MR.V.KATHIRVELU, Senior Counsel for MR.K.PRABHU, Advocate for the petitioner and of MR.R.MEENAKSHI SUNDARAM, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-



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[Order of the Court was made by A.D.JAGADISH CHANDIRA, J.]

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Seeking to suspend the sentence imposed on the petitioner by the learned Sessions Judge, Magalir Neethimandram, Tirunelveli, Tirunelveli District, vide Judgment dated 27.02.2023 in S.C.No.780 of 2017, he has filed this criminal miscellaneous petition.

2. The petitioner stands convicted and sentenced as under:

Section of Law	Sentence of imprisonment	Fine amount
341 & 302 I.P.C.	To undergo one month Rigorous Imprisonment for an offence under Section 341 IPC To undergo Life Imprisonment for an offence under Section 302 IPC	Rs.10,000/- in default to suffer six months simple imprisonment

3. The case of the prosecution is that the deceased namely Poornavalli is the mother of P.W.1. The deceased as well as her daughter namely Usha used to attend prayer meeting organized by one Joshua Immanuel Raja, who is a Pastor and through the said Usha the accused sister got acquaintance with the said Joshua Immanuel Raja and used to attend prayer meeting together. In the meantime, the said Pastor Joshua Immanuel Raja abused Anushya and Usha, molested them and sexually tortured them and cheated both by getting jewels from them. Hence, both of them lodged a

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complaint and the said news was published in the news paper and hence, the Anushya due to humiliation shame and embarrassment committed suicide and hence, being the brother of the said Anushya, the appellant came to a conclusion that the Usha and her mother are the root cause for the death of his sister. Due to this motive, on 28.05.2017 at about 10.50 hours the said Poornavalli after completing her prayer meeting walked in a road under the over bridge and at that time this appellant way laid the deceased and attacked her with aruval and caused injuries and out of those injuries, deceased died. Hence, P.W.1, who is the son of the deceased has given a complaint to the respondent police on 28.05.2017. Hence the charge.

4. Learned Senior Counsel appearing for the petitioner would submit that the presence of P.Ws.1 to 4, more particularly P.Ws.1 & 2, who are the sons of the deceased, is highly doubtful. It is a categorical evidence of P.W.2 that he followed the deceased with the distance of 100 meters and he has reached the place only after few minutes. He would further submit that even as per the prosecution, the petitioner was under impression that the deceased was responsible for suicide his own sister and he was nurturing the grievance against the deceased. Further, the medical evidence is also not categorical and it is a evidence of doctor, who conducted the postmortem, that the injuries could be made by different weapons, thereby suggesting that the offence could not be committed singularly by the petitioner. The



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petitioner is in custody from the date of conviction and therefore, he prayed for suspension of sentence.

5. The respondent – Police has filed a detailed counter affidavit.

6. Learned Additional Public Prosecutor appearing for the respondent – Police, on instructions, would submit that it is a brutal murder. The deceased was done to death in the presence of her sons and other witnesses. Further, the evidence of P.W.1 is categorical to the effect that he has seen the occurrence and it is a day light occurrence and there are about 12 injuries as per the postmortem certificate. He would further submit that the ocular evidence will prevail over the expert opinion, which is only opinionative in nature. He further submitted that the petitioner has got another case in S.C.No.780 of 2017. The trial Court, after considering the evidence of witnesses based on the factual matrix and the settled principles of law, has rightly convicted the accused.

7. Heard the learned counsel on either side and perused the materials available on record.

8. Having gone through the records and taking into consideration the facts and circumstances of the case that it is a case of day light murder and the presence of P.Ws.1 & 2 also seems to be natural, we are not inclined to grant suspension of sentence.



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9. Accordingly, this petition is dismissed.

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25/07/2024

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/08/2024

Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

am

TO

1 THE SESSIONS JUDGE, MAGALIR NEETHIMANDRAM, TIRUNELVELI.

2 THE INSPECTOR OF POLICE, THALAIYUTHU POLICE STATION,
TIRUNELVELI DISTRICT.

3 THE SUPERINTENDENT, CENTRAL PRISON, TIRUNELVELI.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.K.PRABHU, Advocate (SR-8604[I] dated 25/07/2024)

ORDER IN
CRL MP(MD) No.16598 of 2023
in
CRL A(MD) No.1037 of 2023
Date :25/07/2024

RS/VR/SAR-(02.08.2024) 5P 6C

Madurai Bench of Madras High Court is issuing
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